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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re SAMUEL L., a Person Coming Under
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

SAMUEL L.,

Defendant and Appellant.

B207056

(Los Angeles County
Super. Ct. No. TJ16403)

APPEAL from an order continuing wardship of the Superior Court of Los Angeles County, Catherine J. Pratt, Judge. Modified and, as modified, affirmed with directions.

Courtney M. Selan, under appointment by the Court of Appeal, for Defendant and Appellant.

Edmund G. Brown, Jr., Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Pamela C. Hamanaka, Attorney General, Susan D. Martynec and Robert M. Snider, Deputy Attorneys General, for Plaintiff and Respondent

Samuel L., a minor, appeals from an order continuing wardship (Welf. & Inst. Code, § 602) entered following a determination that he committed assault by means likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(1)). The court ordered appellant suitably placed. We modify the order continuing wardship and, as modified, affirm it with directions.

FACTUAL SUMMARY

Viewed in accordance with the usual rules on appeal (*In re Dennis B.* (1976) 18 Cal.3d 687, 697), the evidence, the sufficiency of which is undisputed, established that appellant committed the above offense on March 3, 2008.

CONTENTION

Appellant claims probation condition No. 15, must be modified to reflect a knowledge requirement.

DISCUSSION

Modification of Probation Condition No. 15, is Appropriate.

1. Pertinent Facts.

Prior to the present offense, appellant, on May 2, 2007, admitted an allegation in a petition that he had committed the crime of vandalism in violation of Penal Code section 594, subdivision (a). On May 2, 2007, the court ordered appellant home on probation. There is no dispute that the reporter's transcript reflects that, on that date, the trial court imposed probation condition No. 15, which ordered appellant "not to *associate knowingly* with anyone disapproved of by their parents or the probation officer." (Italics added.) The May 2, 2007 minute order reflects the court ordered, as probation condition No. 15, "Do not associate with . . . anyone disapproved of by parents [or] probation officer."

On March 26, 2008, the court sustained a petition alleging that appellant committed the present offense, i.e., assault by means likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(1)). The March 26, 2008 minute order reflects the court ordered appellant to remain a ward of the court.

The reporter's transcript for March 26, 2008, reflects that the court ordered appellant to remain on probation. The court asked appellant if he wanted the court to review appellant's probation conditions or if appellant remembered them. Appellant indicated he remembered them. The March 26, 2008 minute order does not reflect probation condition No. 15.

2. Analysis.

Appellant claims probation condition No. 15, must be modified to reflect a knowledge requirement. In particular, appellant asserts that probation condition No. 15, as reflected in the May 2, 2007 reporter's transcript, contained a knowledge requirement, and that, on March 26, 2008, the court effectively ordered that that condition remain in effect. However, appellant also notes that the reference to probation condition No. 15, in the May 2, 2007 minute order does not contain a knowledge requirement. Appellant therefore argues that probation condition No. 15, should be modified to reflect a knowledge requirement or the March 26, 2008 minute order should be corrected to reflect a knowledge requirement.

Respondent agrees probation condition No. 15, as reflected in the May 2, 2007 reporter's transcript, and continuing in effect on March 26, 2008, contains a knowledge requirement. Respondent argues the May 2, 2007 minute order should be corrected to reflect a knowledge requirement.

We will modify the March 26, 2008 order continuing wardship to reflect, in accord with *In re Sheena K.* (2007) 40 Cal.4th 875, 878-880, 891-892, that appellant is "not to associate with anyone 'known to be disapproved of' " (*id.* at p. 892) by his parents or the probation officer. We will also order the trial court to reflect the above modification on the March 26, 2008 minute order. (Cf. *People v. Solorzano* (1978) 84 Cal.App.3d 413, 415, 417.)

DISPOSITION

The order continuing wardship is modified by modifying probation condition No. 15, to read: “appellant is not to associate with anyone known to be disapproved of by his parents or the probation officer.” As so modified, the order continuing wardship is affirmed. The trial court is directed to correct its March 26, 2008 minute order to reflect the above modification.

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KITCHING, J.

We concur:

KLEIN, P. J.

ALDRICH, J.